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CAMBODIA

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INTRODUCTION

1. Cambodia, which once upon a time enjoyed great renown and a glorious and prosperous civilization, met with disaster due to a protracted war lasting over two decades, which brought the whole country to the brink of ruin.

2. The Royal Government, which emerged from legitimate, full suffrage elections held from 23 to 28 May 1993 under the supervision of the United Nations, was left with the heavy burden of rebuilding the country for tranquility, progress and prosperity, under a system of multiparty liberal democracy.

I. LAND AND PEOPLE

3. Cambodia, with a surface area of 181,035 km^2, is situated in South-East Asia. Some two thirds of the country are covered by forests, mountain ranges and hills. The majority of the population live in the plains. According to the figures of an economic and social survey carried out by the Ministry of Planning in October 1993-1994, Cambodia has a population of 9,869,749 inhabitants, 85 per cent of whom live in rural areas and 15 per cent in urban areas. The average population density is 55 inhabitants per km^2.

Nationalities

4. The population of Cambodia is made up of:

- Khmers (90 per cent);
- Muslim Khmers (approximately 200,000);
- Ethnic minorities consisting of 16 groups speaking different languages and living on the high plateaux in the north-eastern part of the country (75,000);
- Persons of foreign origin (Chinese, 2 per cent; Vietnamese, 5 per cent).

5. Each nationality speaks its own language and retains its own practices and customs. However, Khmer is the official language.

Age of the population

6. According to the figures of the above-mentioned survey, 43.7 per cent of the population are under 15 years of age (boys, 46.6 per cent; girls, 41.1 per cent), while 4.1 per cent are over 65 (men, 3.6 per cent; women, 4.5 per cent). Life expectancy is less than 50 years.

Infant mortality

7. In 1993, the infant mortality rate stood at 117 per 1,000, and at 183 per 1,000 for the under-five age group. Maternal mortality was estimated at 9 per 1,000. In 31 per cent of infant mortality cases, the cause was premature birth, with birth complications accounting for 28 per cent. The main causes of death in the two-to-four year-old age bracket were respiratory infections (20 per cent), malaria (13 per cent) and diarrhoea (16 per cent).

Religions

8. Buddhism is the State religion, practised by 97.5 per cent of Cambodian citizens. Other religions are also practised, the most widespread being Islam and Catholicism.

Education

9. Children between 6 and 16 years of age receive a minimum of 9 years' compulsory primary schooling. The majority of children proceed to secondary schooling, which is not compulsory and which lasts another four years. Primary and secondary schooling are free. In higher education, poor students receive State grants. Currently, 34.7 per cent of adults are illiterate.

II. ECONOMY

10. In 1994, total domestic production was estimated to be worth 6,048 billion riels (US$ 2,340 million) at market prices. Measured at constant 1989 prices, production increased by 5 per cent in 1994, of which 45 per cent was credited to agriculture, 20 per cent to industry and 35 per cent to the service sector. Agriculture, principally rice production, is a major component of the national economy. Exports include rubber, timber and fisheries products.

11. In 1993, gross per capita national product was estimated at US$ 180, and the rate of inflation came to 31 per cent. Unemployment in 1993-1994 stood at 2.5 per cent.

III. GENERAL POLITICAL STRUCTURE

Historical background

12. Cambodia met with disaster due to protracted war lasting over two decades, marked principally by the genocide committed by the Khmers Rouges.

13. As a result of the Paris Agreement of 23 October 1991 between the four Cambodian parties, the Supreme National Council was set up with the task of achieving national reunification and reconciliation. The United Nations Transitional Authority in Cambodia (UNTAC) was charged with monitoring compliance with the Agreement and organizing elections in 1993.

14. Following the elections, a constituent assembly was convened to draw up the final draft of the Constitution, after which the Government took office headed by the two prime ministers.

Political regime

15. Cambodia has adopted a multiparty system of liberal democracy. The country's official name is the Kingdom of Cambodia. It is an independent, peaceful, neutral and non-aligned State.

16. From the beginning, the practice of democracy in Cambodia has run into numerous difficulties. However, the Royal Government has done all in its power gradually to achieve genuine democracy by strengthening the legal system, enhancing observance of the rule of law and guaranteeing respect for individual rights.

Government structure

17. The State is run by three clearly separate powers.

18. With regard to the executive, the King reigns but does not exercise power. The Prime Minister heads the Government, which is composed of Deputy Prime Ministers, ministers of State, ministers and secretaries of State. During the first legislative term, the Government was headed by two Prime Ministers.

19. Legislative power is vested in the National Assembly, which is composed of 120 members elected for terms of five years. Since the 1993 elections, four political parties have held seats in the National Assembly: FUNCINPEC (National United Front for an Independent, Neutral, Peaceful and Cooperative Cambodia) won 58 seats, the Cambodian People's Party 51 seats, the Buddhist Liberal Democratic Party 10 seats and MOLINAKA (National Liberation Movement of Cambodia) 1 seat.

20. Under article 109 of the Cambodian Constitution, a single type of court deals with all actions, including administrative cases.

21. Since 1993, there have been two levels of jurisdiction. The courts of first instance, established in all provinces and municipalities, hand down first and exceptionally final judgements. The Court of Appeal rules on appeals lodged against first judgements by courts of first instance. The Supreme Court rules on points of law for first appeals and on points of fact and law for second appeals. The military court hands down judgements on cases, subject to appeal.

22. Article 117 of the Constitution provides for the establishment of a Constitutional Council responsible for verifying the constitutionality of laws and the legality of legislative elections. The Council is not yet in place because the Supreme Council of Justice, which is responsible for appointing three of its members, is not yet functioning.

23. On 22 December 1994, the National Assembly passed a law on the organization and functioning of the Supreme Council of Justice, which had been submitted to it by the Royal Government on 21 November 1993. The Supreme Council, over which the King presides, is composed of seven judges and the Minister of Justice or his representative. The Council guarantees the independence of the judiciary and decides on the appointment and transfer of judges.

24. At the present time, there are 139 judges appointed by the Head of State sitting in the 21 courts of first instance, the Court of Appeal and the Supreme Court. The 42 new, recently recruited judges are undergoing a course of practical training after completing a course of theory.

25. The structure of the Ministry of Justice has been reorganized and a general inspectorate of judicial affairs has been established with the task of monitoring the administrative service of judges. In addition, with a view to ensuring the efficient administration of the judiciary, the Ministry has reformed the working methods, and a training section has been created within the personnel and training department. The annual assembly of judges was held in 1994 to assess the activities of the courts. This reform enables the Ministry of Justice to ensure the proper conduct of judges' activities in judicial and administrative matters.

Administrative organization

26. In Cambodia today there are 19 provinces and 3 municipalities headed by governors, divided into 170 districts and administrative divisions. The latter are subdivided into 1,545 communes and neighbourhoods.

27. Cambodia signed the Convention on the Rights of the Child on 22 September 1992. It is also bound by the following Conventions:

- Convention on the Prevention and Punishment of the Crime of Genocide (19 August 1950);
- International Convention on the Elimination of All Forms of Racial Discrimination (4 November 1983);
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (22 September 1992);
- Convention on the Elimination of All Forms of Discrimination against Women (22 September 1992);
- Convention relating to the Status of Refugees (22 September 1992);
- Protocol relating to the Status of Refugees (22 September 1992);
- International Covenant on Civil and Political Rights (26 May 1992);
- International Covenant on Economic, Social and Cultural Rights (26 May 1992);
- International Convention on the Suppression and Punishment of the Crime of Apartheid;
- Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery.